

AO 91 (Rev. 08/09) Criminal Complaint

CLERK'S OFFICE U.S. DIST. COURT

AT CHARLOTTESVILLE, VA

FILED

OCT 24 2011

WILLIAM C. BODLEY, CLERK
BY: [Signature]
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UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America

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v.

)

JOHN STUART DOWELL
d.o.b. 4/28/66

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)

)

)

Case No.

5:11-MJ-00132

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of between Nov. 2010 and Oct. 2011 in the county of Frederick in the Western District of Virginia, the defendant(s) violated:

Code Section

18 U.S.C. §§ 2251(a) and 2251(e)

Offense Description

employ, use, persuade, induce, entice, or coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing or having reason to know that such depiction would be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; which visual depiction was produced or transmitted using materials that had been shipped or transported in or affecting interstate or foreign commerce by any means; or which visual depiction was actually transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

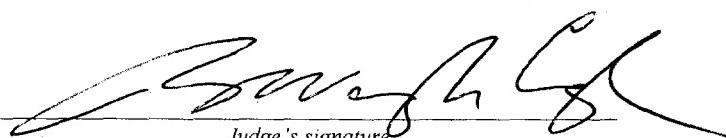

Complainant's signature

Special Agent Harvey E. Barlow, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/24/2011


Judge's signature

City and state: Charlottesville, Virginia

Hon. B. Waugh Crigler, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
V.) Case No. 511mj00132
)
JOHN STUART DOWELL)

AFFIDAVIT

1. I, Harvey E. Barlow, being duly sworn, submit this affidavit in search of an arrest warrant for JAMES STUART DOWELL charging him with Production of Child Pornography in violation of Title 18, United States Code, Sections 2251(a) and 2251(e). DOWELL is a white male, who is believed to have a date of birth of April 28, 1966, Social Security Account Number xxx-xx-8035 (the full SSN is known to your affiant), and his last known address was 151 Bohnen Road, Santa Cruz, California. DOWELL is further described as 5' 11", approximately 140 pounds, with blue eyes with short, brown to greying hair.

2. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since September 18, 1983. I am currently assigned to the FBI's Richmond Field Office's Winchester, Virginia Resident Agency and have so been assigned since August of 2005. The information in this affidavit is derived from my own investigation and discussions with other sworn law enforcement officers concerning their investigation of child pornography and DOWELL.

3. On Wednesday, October 19, 2011, I was advised by the FBI's Jacksonville, Florida Field Office of it's recent receipt of a video containing child pornography from a

complainant who alleged the subject in the video was her brother, the victim child was her grand-niece (with a 2007 date of birth) and the scene where the video was produced was a location in Frederick County, Virginia known to the complainant.

4. On Thursday, October 20, 2011 two members of the Northern Virginia-District of Columbia Internet Crimes Against Children Task Force (NOVA-DC ICAC) and I participated in a conference call with agents from the Jacksonville FBI in order to obtain details of the FBI's interview of the complainant. During the conference call, still screen shoots of the subject and victim, non-pornographic, taken from the video were e-mailed from FBI-Jacksonville to us for later purposes of identification.

5. On Friday, the NOVA-DC ICAC agents and I received and viewed the video which the complainant had originally provided FBI Jacksonville. The video depicted the individuals the complainant identified as her brother, JOHN STUART DOWELL, and her three year old great niece (NC). We observed on the video the following:

- The video begins with a blue screen with white lettering reading:

New Stuff 2011
Videos 001-007 Merged
(004 Missing)
This is the only stuff of this
Girl to be made
- The video appeared to be a series of different scenarios or videos, each scenario noted by a "sessions" or "video" number which appeared on the video. NC wore different clothing during some of the different scenarios and the male shown during each scenario was DOWELL. During some of the scenarios, DOWELL adjusted the recording device apparently for purposes of recording from different angles including recording straight up from between a naked NC's legs and recording her genitalia.

- The video depicted DOWELL, in several instances, licking NC's anal and vaginal areas and kissing her buttocks and vagina. DOWELL is also shown rubbing NC's vagina with his finger(s) as well as kissing her stomach and chest. DOWELL is also observed sitting with his penis exposed and is heard asking NC to touch it and kiss it.

6 On Friday, October 21, 2011, I spoke with Matt Dunn, a supervisor with Department of Homeland Security's Homeland Security Investigation's (HSI) Cyber Crime Center. Dunn advised me his office was investigating a child pornography video which had been downloaded in August, 2011 in Denmark of "John Doe" committing child pornography. As we spoke his office had been preparing a nation-wide search for a "John Doe" subject for whom Dunn's office had obtained a "John Doe" Federal arrest warrant the prior day for a charge related to transportation of child pornography in foreign commerce. An agent with the NOVA-DC ICAC who had participated in my Thursday conference call with the FBI-Jacksonville and had seen the screen shots of DOWELL, and identified DOWELL as Dunn's John Doe, prompted Dunn's call to me. Dunn described the video downloaded in Denmark, which he also stated was recently publicly available on Internet sites. Dunn described the Denmark video to me and it sounded similar to the Jacksonville video we had viewed.

7. Following the call with Dunn, NOVA-DC ICAC agents and I went to a Frederick County, Virginia, residence where we met with family members who, after being shown non-pornographic screen images from the video, identified DOWELL and NC as the individuals depicted in the video. These witnesses also identified the rooms depicted in the video as being rooms in that residence. Witnesses took agents to the depicted rooms and also provided articles of clothing which NC had been shown wearing in the video. The undersigned learned that DOWELL had stayed at this residence between in or about November and December 2010 and

also in or about January 2011 and in or about July 2011. NC was also present in this residence during those time periods.

8. Upon returning from the Frederick County residence, the NOVA-DC ICAC agents and I viewed the video which had been delivered by HSI to NOVA-DC ICAC. I observed the video to depict DOWELL and NC in some of the same scenarios I had previously viewed on the video provided by the complainant to the FBI in Jacksonville. The other scenarios which I had not previously viewed on the original complainant's video depicted additional instances of DOWELL performing similar physical acts on NC as depicted in the video received from FBI Jacksonville.

9. Your affiant has compared the photograph on file for DOWELL's California Driver's License (D1993043) with the video and with the screen shots shown to the witnesses which they had identified as their relative, JOHN STUART DOWELL, and they appear to be the same individual.

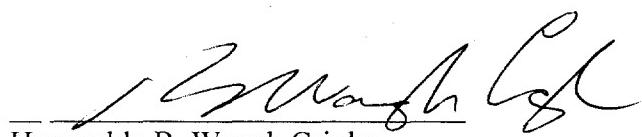
10. Your affiant believes that the aforementioned information constitutes probable cause to believe that JOHN STUART DOWELL produced, sometime in or between November, 2010 and October, 2011, in Frederick County, Virginia, a visual depiction of a minor engaging in sexually explicit conduct as defined in 18 U.S.C. § 2256 which was available on the world-wide web and had traveled in interstate and/or foreign commerce, in violation of Title 18, United

States Code, Sections 2251(a) and 2251(e). It is therefore hereby requested that this Court issue an arrest warrant for JOHN STUART DOWELL.



Harvey E. Barlow
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 24th day of October, 2011.



Honorable B. Waugh Crigler
United States Magistrate Judge